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EXAMINER				
DADA, BEEMNET W				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/458,602

**Applicant(s)**

PAGAN ET AL.

**Examiner**

BEEMNET W. DADA

**Art Unit**

2435

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3, 4, 6-9 and 11-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 6-9 and 11-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This office action is in reply to an amendment filed on April 22, 2009. Claim 9 has been amended and new claims 19-24 have been added. Claims 1, 3, 4, 6-9 and 11-24 are pending.

### ***Response to Arguments***

Applicant's arguments filed 04/22/09 have been fully considered but they are not persuasive. Applicant argues that, Motivation to combine Schneider and Bartoli and Zhang is conclusory. The examiner used the rationale of mobile devices providing limited control over transmissions in addition to mobile devices becoming more common to combine Schnieder with Bartoli and Zhang, but mobile device is never mentioned in Schnieder, Bartoli or Zhang. Applicant further argues that, the motivation combine Bartoli and Zhang was not clearly articulated and is conclusory and there is noting in Bartoli or Zhang that indicates that anything related to special software increase the cost of putting up the system. Examiner disagrees.

Examiner would point out that, a suggestion, teaching, or motivation to combine the relevant prior art teachings does not have to be found explicitly in the prior art, as the teachings, motivation, or suggestion may be implicit from the prior art, as a whole, rather than expressly stated in the references. The test for an implicit showing is what the combined teachings, knowledge of one of a whole would have suggested to those of ordinary skill in the art. In re Kahn, 441 F.3d 977, 988, 78, USPQ2d 1329, 1336 (Fed. Cir. 2006) citing In re Kotzab, 217 F.3d 1365,1370, 55 USPQ2d 1313 (Fed. Cir. 2000). See also In re Thrift, 298 F. 3d 1357, 1363, 63 USPQ2d 2002, 2008 (Fed. Cir. 2002). These showings by the examiner are an essential part of complying with the burden of presenting a prima facie case of obviousness. Note In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). In this case Schneider discloses

a system wherein the attribute comprises an indication of the location comprising VLAN ID, in the form of an IP address, and a port number (column 3 line 3-60) from which the request was received that is determined based on the received packet wherein the packet is transmitted from the user's computer (column 3 lines 30-45). The IP address or processor ID is used to determine whether the user has access to resources (column 3 lines 34-40). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the authentication so as to maintain the position information and send it as an attribute in the system of Zhang. One of ordinary skill in the art would have been motivated to do this because mobile devices provide limited control over transmission and mobile devices are becoming more common.

Furthermore, Bartoli discloses the authentication, authorization, and accounting performed in the gateway, however, Bartoli disclose a system wherein no special software (configuration software) need be installed on the user's computer to access the destination address (column 3 lines 42-47).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the browser in the authentication system of Bartoli in the system of Zhang. One of ordinary skill in the art would have been motivated to do this because it would reduce the cost of putting up the system.

Applicant further argues that Bartoli teaches away from Schneider and applicant's independent claim. Bartoli explicitly seeks to eliminate any step associated with transmitting and cross-referencing IP address, and combining Bartoli with Schneider would change Bartoli's principle of operation. Examiner disagrees.

Examiner would point out that, Both Bartoli and Schneider are directed to a system for authentication, authorization and/or access control. Zhang and Bartoli do not disclose a system wherein the attribute comprises an indication of the location comprising a port, circuit ID, VLAN ID or MAC address from which the request was received that is determined based on the received packet wherein the packet is transmitted from the user's computer.

Schneider discloses a system wherein the attribute comprises an indication of the location comprising VLAN ID, in the form of an IP address, and a port number (column 3 line 3-60) from which the request was received that is determined based on the received packet wherein the packet is transmitted from the user's computer (column 3 lines 30-45). The IP address or processor ID is used to determine whether the user has access to resources (column 3 lines 34-40).

Examiner would further point out that the art on record teaches the claim limitations and therefore, the rejection is respectfully maintained.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 7, 9-14 and 16-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. (6,253,327) in view of Bartoli et al (6,047,268) and further in view of Schneider et al. (6,408,336 B1).

*In reference to claims 1 and 9*, Zhang discloses a method for authorizing, authenticating and accounting users having transparent access to a destination network (abstract), wherein the users otherwise have access to a home network through home network settings resident on the user's computers, and wherein the users can access the destination network without altering the home network settings, comprising:

Receiving at a gateway device a request from a user for access to the destination network (column 6 lines 24-32 in combination with column 7 lines 8-10). The user (host) requests access to the network by using the dial up networking application.

Identifying an attribute associated with the user based upon a packet received by the gateway device. The authentication packet includes information like the user-name and private password, which are attributes associated with the user, and the packet is sent to the gateway from the host (user). The applicant discloses a packet that is transmitted from the user's computer, wherein the user's computer remains configured for accessing the home network. Zhang discloses a similar system wherein the packet is transmitted from the user's (host's) computer while remaining configured to access the home network because the system is still able to access the public network while accessing information on the private network (column 5 lines 20-40). Zhang's system requires no additional configuration software installed on the user's computer to access the destination network, since the user does not have to log on again to access other networks (column 7 line 66 to column 8 line 7).

Accessing a user profile corresponding to the user and stored in a user profile database, where the user profile is accessed based upon the attribute associated with the user (column 7 lines 12-17).

Determining if the user is entitled to access the destination network based upon the user profile ((column 7 lines 12-17)).

Although Zhang discloses the authentication, authorization, and accounting performed in the gateway, however, Zhang does not expressly disclose a system wherein no special authentication software need be installed on the user's computer to access the destination address.

Bartoli discloses the authentication, authorization, and accounting performed in the gateway, however, Bartoli disclose a system wherein no special software (configuration software) need be installed on the user's computer to access the destination address (column 3 lines 42-47).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the browser in the authentication system of Bartoli in the system of Zhang. One of ordinary skill in the art would have been motivated to do this because it would reduce the cost of putting up the system.

Neither Zhang nor Bartoli disclose a system wherein the attribute comprises an indication of the location comprising a port, circuit ID, VLAN ID or MAC address from which the request was received that is determined based on the received packet wherein the packet is transmitted from the user's computer.

Schneider discloses a system wherein the attribute comprises an indication of the location comprising VLAN ID, in the form of an IP address, and a port number (column 3 line 3-60) from which the request was received that is determined based on the received packet wherein the packet is transmitted from the user's computer (column 3 lines 30-45). The IP address or processor ID is used to determine whether the user has access to resources (column 3 lines 34-40).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the authentication so as to maintain the position information and send it as

an attribute in the system of Zhang and Bartoli. One of ordinary skill in the art would have been motivated to do this because mobile devices provide limited control over transmission and mobile devices are becoming more common.

*In reference to claim 18*, Zhang discloses a method for authorizing, authenticating and accounting users having transparent access to a destination network (abstract), wherein the users otherwise have access to a home network through home network settings resident on the user's computers, and wherein the users can access the destination network without altering the home network settings, comprising:

Receiving at a gateway device a request from a user for access to the destination network (column 6 lines 24-32 in combination with column 7 lines 8-10). The user (host) requests access to the network by using the dial up networking application.

Identifying an attribute associated with the user based upon a packet received by the gateway device. The authentication packet includes information like the user-name and private password, which are attributes associated with the user, and the packet is sent to the gateway from the host (user). The applicant discloses a packet that is transmitted from the user's computer, wherein the user's computer remains configured for accessing the home network. Zhang discloses a similar system wherein the packet is transmitted from the user's (host's) computer while remaining configured to access the home network because the system is still able to access the public network while accessing information on the private network (column 5 lines 20-40). Zhang's system requires no additional configuration software installed on the user's computer to access the destination network, since the user does not have to log on again to access other networks (column 7 line 66 to column 8 line 7).



Determining authentication requirements for the received packet based on information within the received packet (column 7, lines 7-25);

Accessing a user profile corresponding to the user and stored in a user profile database, where the user profile is accessed based upon the attribute associated with the user (column 7 lines 12-17).

Determining if the user is entitled to access the destination network based upon the user profile ((column 7 lines 12-17)), the determined authentication requirements for the received packet (column 7, lines 7-25).

Although Zhang discloses the authentication, authorization, and accounting performed in the gateway, however, Zhang does not expressly disclose a system wherein no special authentication software need be installed on the user's computer to access the destination address.

Bartoli discloses the authentication, authorization, and accounting performed in the gateway, however, Bartoli disclose a system wherein no special software (configuration software) need be installed on the user's computer to access the destination address (column 3 lines 42-47).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the browser in the authentication system of Bartoli in the system of Zhang. One of ordinary skill in the art would have been motivated to do this because it would reduce the cost of putting up the system.

Neither Zhang nor Bartoli disclose a system wherein the attribute comprises an indication of the location comprising a port, circuit ID, VLAN ID or MAC address from which the request was received that is determined based on the received packet wherein the packet is transmitted from the user's computer.

Schneider discloses a system a system wherein the attribute comprises an indication of the location comprising VLAN ID, in the form of an IP address, and a port number (column 3 line 3-60) from which the request was received that is determined based on the received packet wherein the packet is transmitted from the user's computer (column 3 lines 30-45). The IP address or processor ID is used to determine whether the user has access to resources (column 3 lines 34-40).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the authentication using so as to maintain the position information and send it as an attribute in the system of Zhang. One of ordinary skill in the art would have been motivated to do this because mobile devices provide limited control over transmission and mobile devices are becoming more common.

*In reference to claims 7 and 11*, Zhang discloses a system wherein determining if the user is entitled to access the destination network further comprises denying the user access where the user profile indicates that the user is denied access (fig. 5 in combination with column 7 lines 25-30).

*In reference to claim 10*, Zhang does not expressly disclose a system wherein the attribute associated, with the user is based upon a VLAN ID assigned to the location from which the request for access to the destination address was transmitted.

Schneider discloses a system in which the ID that is associated with the location from which the request for access to the destination address was transmitted. The ID is the IP address of the user (column 3 line 3-60).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use an ID associated with the location from which the request for access to the destination address was transmitted. One of ordinary skill in the art would have been motivated to do this because the user would then not be able to discover the existence of other users because they would only be able to access their own information.

*In reference to claim 12*, Zhang discloses a system wherein the AAA server is located within the gateway device. The Authentication, Authorization and Accounting server is located within the device that contains the SSG therefore the whole unit would work as a gateway device (Fig. 4).

*In reference to claim 13*, Zhang discloses a system wherein the user profile database includes a plurality of user profiles, wherein each respective user profile of the plurality of user profiles contains access information (column 7 lines 12-17). Zhang discloses the user profiles and therefore a plurality of user profiles are stored. The profiles are also unique to the user and are used for authentication therefore they are used for access information.

*In reference to claim 14*, Zhang discloses a system wherein the user profile database is located within the AAA server (column 7 lines 12-17).

*In reference to claims 16 and 17*, Zhang discloses the system further including requirements for the received packet based on information within the received packet, wherein determining if the user is entitled to access the destination network further comprises basing the determination also on the determined authentication requirements (column 7, lines 7-25).

As per claims 19, 21 and 23, Schneider further teaches the method wherein identifying the attribute further comprises determining the location based on a combination of two or more of the port, the circuit ID, the VLAN ID, and the MAC address [column 3, lines 30-60].

As per claims 20, 22 and 24, Zhang further teaches the method wherein determining if the user is entitled to access the destination network is also based upon dynamic information determined by a provider of the destination network [Column 7, lines 12-17].

**Claims 3-4, 6, 8 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang in view of Bartoli and further in view of Schneider et al. as applied to claims 1 and 9 above, and further in view of Lim et al (6,434,619 B1).

*In reference to claim 3*, wherein the user database is updated when a new user accesses the destination network.

Zhang does not expressly disclose a system wherein the database is updated when a new user accesses the destination network

Lim discloses a system in which the database is maintained (column 4 lines 36-38), therefore when there is a new user the database would be updated, since updating is a part of maintaining.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to maintain the database for new users as the method of Lim in the system by Zhang. One of ordinary skill in the art would have been motivated to do this because this would enable the system to increase the number of user's when the amount of memory allows.

*In reference to claim 4*, wherein a historical log of the user's access to the destination network is maintained in the user profile.

Zhang does not expressly disclose a historical log of the user's access to the destination network being maintained in the user profile.

Lim discloses a log kept of the time and date when the user accessed their account on the network (column 7 lines 27-38).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to maintain a historical log of the user's access to the destination network as in the method by Lim in the system by Zhang. One of ordinary skill in the art would have been motivated to do this because it would assist in keeping track of user activity.

*In reference to claim 15*, Zhang wherein each respective user profile contains historical data relating to the duration of destination network access for use in determining the charges due for the destination network access (column 7 lines 27-38).

*In reference to claim 6*, Zhang does not expressly disclose a system wherein receiving at the gateway device a request from a user for access comprises the step of receiving an Internet destination address from the user (Fig. 4).

Lim discloses a system that includes the domain of the destination server. This is equivalent to the Internet destination address.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to receive the Internet destination address as in the method disclosed by Lim at the gateway device of the system disclosed by Zhang. One of ordinary skill in the art would

have been motivated to do this because the Internet destination address is used to determine which network the user is gaining access to.

*In reference to claim 8*, Zhang does not expressly disclose a system wherein determining if the user is entitled to access the destination network further comprises directing the user to a login page where the user profile is not located within the user profile database. Lim discloses a system wherein determining if the user is entitled to access the destination network further comprises directing the user to a login page where the user profile is not located within the user profile database (Lim, column 4 lines 19-24 in combination with column 4 lines 36-38).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to maintain a historical log of the user's access to the destination network as in the method by Lim in the system by Zhang. One of ordinary skill in the art would have been motivated to do this because it would assist in keeping track of user activity.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BEEMNET W. DADA whose telephone number is (571)272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Beemnet W Dada/  
Primary Examiner, Art Unit 2435  
August 12, 2009